

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FRANK TABBAH,
Plaintiff,
v.
DAVID PHIFER, et al.,
Defendants.

Case No. 16-CV-04490-LHK

**ORDER REMANDING CASE TO
SANTA CLARA COUNTY SUPERIOR
COURT**

Re: Dkt. No. 6

On August 9, 2016, Defendants David and Lolita Phifer (“Defendants”) filed a notice of removal in an attempt to remove this unlawful detainer case from Santa Clara County Superior Court to federal court. ECF No. 1. This action was originally assigned to U.S. Magistrate Judge Howard Lloyd.

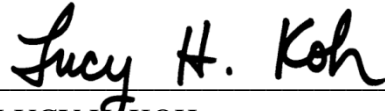
On August 10, 2016, Judge Lloyd issued a Report and Recommendation which recommended that the instant action be remanded to Santa Clara County Superior Court for lack of federal subject matter jurisdiction. ECF No. 6. No objections have been filed to the Report and Recommendation, and the time to file objections has now passed. *See* Fed. R. Civ. P. 72(b)(2) (providing parties 14 days to object to a magistrate judge’s report and recommendations).

Having reviewed Judge Lloyd’s Report and Recommendation, as well as the record in this

case, the Court finds Judge Lloyd's Report and Recommendation well-founded in fact and in law. The Court therefore ADOPTS the Report and Recommendation in its entirety and REMANDS the instant action to Santa Clara County Superior Court. The Clerk shall transfer the case file to Santa Clara County Superior Court. The Clerk shall also serve a copy of this order of Defendants.

IT IS SO ORDERED.

Dated: August 26, 2016.



LUCY H. KOH
United States District Judge

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